

06C62-3143
SECRET*Memorandum*

TO : Legislative Counsel

DATE: 12 DEC 1962

OGC HAS REVIEWED.

FROM : Assistant General Counsel/OL

SUBJECT: Proposed New Legislation with Respect to Agency Procurement
Authorities

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2. The General Services Administration has from time to time prepared for the use of the Congress various editions of the Federal Property and Administrative Services Act, as amended, with analyses which in turn have been published in the form of Committee prints. Title III of the GSA act, as amended and currently effective, pertains to the procurement of property and services, and Sec. 302.(a) thereof provides for procurement by the General Services Administration and by any other executive agency except those named in Sec. 2.(a) of the Armed Services Procurement Act "in conformity with authority to apply such provisions delegated by the Administrator in his discretion." It is provided that notice of every such delegation of authority shall be furnished to the General Accounting Office. This has been codified at 41 U. S. C. 252. The excepted agencies are, of course, principally the military departments.

3. In the analyses of Title III which are contained in the prints prepared for the Committee on Government Operations for both the House of Representatives dated 1956 and for the Senate dated 1959, it is stated that:

"This title as enacted in Public Law 152, 81st Cong. (63 Stat. 377), followed in structure, and was identical in language with the Armed Services Procurement Act of 1947 (62 Stat. 21), with a few appropriate changes and omissions."

I agree with this observation.

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4. In the Committee print issued for the House Committee on Government Operations in 1956, the analysis with respect to Sec. 302.(a) (41 U. S. C. 252) prior to the present amendment stated:

"It was also intended that the Administrator will make periodic reviews to determine whether the authority so delegated has been properly used, and that he will either take such action as may be necessary to correct any misuse or will withdraw the delegation. After the Administrator has made such delegation he shall give notice thereof to the General Accounting Office."

5. The analysis with respect to Sec. 302.(a) contained in the Senate print with respect to the most recent amendment includes the following at page 69:

"By virtue of the legislative history of section 302 (a) as originally enacted, its authorization to permit delegations has been narrowly construed and only sporadic and closely circumscribed delegations were made. In the interest of promoting uniformity and simplification in procurement procedures used by Government agencies, increased authority was given the Administrator to permit civilian agencies to use title III. His discretion remains unimpaired with respect to granting or withdrawing such delegations."
(Underlining supplied)

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SUBJECT: (Optional)

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Assistant General Counsel/OL

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TO: (Officer designation, room number, and building)

DATE

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COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

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Next 79 Page(s) In Document Exempt

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